

465066



Jim Feeney

02/15/2002 09:15 AM

To: Andrew_Thalheimer@erm.com

CC:

Subject: Transporting purge water

Andrew: in response to your question concerning transporting groundwater purge water to the quarry I offer the following information. In a strictly "what makes sense" analysis, you will be transporting water with a minute amount of contaminants that, if spilled, does not have real potential to harm anything. However, under Superfund projects we must comply with all the substantive requirements of Applicable and Relevant and Appropriate Regulations. I believe only three areas of regulations would be considered ARARs - CERCLA, RCRA and DOT regs.

In Superfund projects, purge water can be moved within the Site. Under the definition of on-site provided by CERCLA, the residential well, the quarry area and the roads comprising the direct route are all within the preliminary Site boundaries, and would trigger no special requirements other than the reasonable health and safety precautions necessary to move a large tank of water.

Groundwater from a residential well in the area of the Foote Mineral Superfund Site would not be regulated by RCRA (see 40 CFR Part 262) since the groundwater itself is not a listed waste, and does not contain a listed waste, and area groundwater, even if it displayed the higher end of analysis results that we have seen in this area, does not exhibit any of the characteristics of RCRA waste.

Any transportation of materials over public roads must comply with DOT shipping regulations. My quick review of DOT Hazardous Waste and Materials Regulations indicates that the inorganics Lithium, Chromium, and Boron in dissolved form and Bromate ion are not listed as hazardous substances or hazardous materials, at least in the older version that I have. If this is indeed the case then the DOT requirements would not apply to this groundwater. However, as ERM will ultimately be responsible for transportation, I suggest you double check this information and any identifiable state requirements. The basic information I found in DOT regulations is given below.

40 CFR Section 171.8 Definitions and abbreviations.

In this subchapter,

Hazardous material means a substance or material, including a hazardous substance, which has been determined by the Secretary of the Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

Hazardous substance for the purposes of this chapter means a material, including its mixtures and solutions, that -

- (1) is listed in the Appendix to Section 172.101 of this subchapter
- (2) Is in a quantity, in one package. Which equals or exceeds the reportable quantity (RQ) listed in the Appendix to Section 172.101 of this subchapter: and
- (3) When in a mixture or solution-

AR301421

(i) For radionuclides ... (text not included here)

(ii) For other than Radionuclides, is in a concentration by weight which equals or exceeds the concentration corresponding to the RQ of the material, as shown in the following table:

(see Table in regs.)

This definition does not apply to petroleum products that are lubricants or fuels (see 40 CFR 300.6).

Hazardous Waste, for the purposes of this chapter means any material that is subject to the Hazardous Waste Manifest requirements of the U.S. Environmental Protection Agency specified in 40 CFR Part 262. (note that this is RCRA and does not apply)

AR301422